

PUBLIC STATEMENT BY THE OXFORD COUNTY COMMISSIONERS

May 11, 2023

The facts that were reported in the media last week regarding the Sheriff's actions in the days before the November 2022 election have been difficult for everyone to process. The Sheriff's conduct is a textbook example of how *not* to behave when you are the supervisor of any organization. This is especially true for the highest-ranking law enforcement officer in Oxford County. If the Sheriff was a Department Head who worked directly for the County Commissioners, the Sheriff would have been suspended, investigated, and possibly terminated by the Commissioners after a hearing. Instead, under our State Constitution and state law, the Sheriff is an elected Constitutional Officer who works for the people, and can only be removed by the Governor. By law, that process that must be initiated by the County Commissioners.

Upon learning of the Sheriff's recorded phone calls with two Oxford County Deputies, and the Sheriff's unethical request for leniency for an acquaintance of his, the County Administrator requested that the County's attorney procure an independent investigation from an outside law firm, so that we could have an impartial view of the facts. Thankfully, and to his credit, the Sheriff participated in, and cooperated with that investigation.

The final report from that investigation was provided to the Commissioners on April 11th. We reviewed it in executive session and listened to the phone call recordings for the first time. Frankly, the County Commissioners were disappointed and offended by the Sheriff's phone calls with the Deputies, and the lapse of good judgment that they represent.

While the Sheriff requesting a Deputy for leniency for his acquaintance is certainly unethical under the Law Enforcement Code of Ethics, the final report of the investigation found no evidence that the Sheriff received or was promised any financial or other tangible benefit for making that request. According to the final report, the Attorney General's Office does not prosecute law enforcement officers for making such requests for leniency, in the absence of some financial gain by the requesting law enforcement officer. The investigation strongly suggests that the Sheriff's request for leniency was grounded in his benevolent concern for the sister of the woman who was ticketed, as she was suffering with advanced cancer. The Sheriff attended a fundraising event and contributed to a fundraiser organized for her. There is no evidence of any special relationship between the Sheriff and either of the two women.

The County Commissioners have struggled most intensely with the recorded November 7th phone calls between the Sheriff and his two Deputies. The Sheriff clearly overstated his authority by telling those Deputies that they "work at his discretion." Any termination of a County employee requires approval of the County Commissioners under Title 30-A, Section 501. The Sheriff's statements that he has "no boss" and can 'shred any ticket he wants' are especially concerning. His tone and unprofessionalism demonstrated in those calls reveal his extremely poor judgment.

The County Commissioners acknowledge that the Sheriff has issued a public statement of apology to the press, acknowledging his wrongdoing and taking responsibility. After our executive session today, the Commissioners find his apology and regret for his actions to be genuine and sincere. The Sheriff has made firm commitments and promises to the County Commissioners to live-up to

the expectations of his Office and to treat all employees with the dignity and respect they deserve. The Sheriff has promised to improve himself by taking needed leadership, ethics, and management training, and to work closely with the County Administrator on all future personnel matters.

While sending the details of the Sheriff's conduct in a complaint to the Governor requesting his removal is our only legal option in this situation, as County Commissioners, we must consider what is best for the County. If we were to send that complaint to the Governor, there will be an undetermined period of time that passes before the Governor makes a decision. During that period of time, the Sheriff, his Department, and our Office will be under a dark cloud with the outcome of those proceedings uncertain. What will the Governor do with the facts? What impact will mitigating circumstances mean to the Governor when she must make the heavy decision to remove an elected Sheriff, or not? In the absence of criminal activity, will unethical conduct and improper treatment of subordinate employees rise to the level of removing a sheriff in Maine? In our estimation it is a close call. If he is not removed from Office, then for the balance of the Sheriff's four-year term we cannot expect warm relations and cooperation with the Sheriff. We can expect a fractured and divided Sheriff's Office. If she does remove the Sheriff and replace him, there will be a period of instability and adjustment to a newly appointed sheriff who will have to gain the trust and respect of the employees of the Sheriff's Department.

The Sheriff's actions have left the County Commissioners with no good choices in this situation. In considering whether to send a complaint to the Governor, the County Commissioners have concluded that, *at this time*, it is better to give the Sheriff an opportunity to follow through on his commitments for self-improvement and to demonstrate that he can conduct himself in a manner befitting his Office. He needs to gain a clearer perspective on workplace dynamics, and set his pride aside so that he can regain the trust of the employees of his Office. Based on our conversation in executive session this morning, we believe that he is capable of doing that. Until he proves us wrong, the Commissioners reserve their right to send a complaint to the Governor regarding these events. In the event that the Sheriff falls short of his commitments, or engages in further conduct unbecoming of his Office, the County Commissioners will promptly revisit this matter. Until then, we hope to move forward in a productive fashion. We hope that the Sheriff will double his efforts to be the leader that Oxford County's voters believed him to be when they re-elected him last year.

-The Oxford County Commissioners